

REMARKS**Claim Rejections – 35 U.S.C. § 102**

The Examiner has rejected claims 1, 3-8, 10, and 13-19 under 35 U.S.C §102, as being anticipated by Smith et al., hereinafter “Smith” (U.S. Patent No. 6,226,367). For the reasons set forth below, Applicant asserts that the cited reference fails to teach or render obvious Applicant’s invention as claimed in claims 1, 3-8, 10, and 13-19.

Smith discloses a “system for presenting information to a user of a communication device comprises a database, a receiving means, and a display. Initially, a database stores a directory of entries each including a telephone number and an associated icon. Thereafter, the receiving means receives a call from a caller over the telephone network, and a display displays the caller’s telephone number and the associated icon.” (Smith column 3, lines 24-31) Essentially, Smith’s system consists of a communication device (e.g., a cellular phone) in which the user programs icons associated with different types of phone numbers. A phone number is associated with an “Electronic Business Card” (Smith column 6, line 59), which allows a user to associate an icon with the phone number:

“If the user selects an icon selection button 832, program 520 displays a screen 840 (FIG. 8D) with an icon menu 841 containing several predesigned icons for various communication devices and locations, for example, home, cellular, business, facsimile, e-mail, or others. In an embodiment consistent with the present invention,

the icons preferably represent some characteristic of the associated telephone number.” (Smith column 6, lines 22-30)

Smith discloses a system that is limited to associating icons to phone numbers within electronic business cards stored in a communication device. “The system and method consistent with the present invention provides a graphical icon identifying the caller and the location of the call for a communication device.” (Smith abstract) The icon provides a graphical depiction of the incoming or outgoing call location to the user by having the user associate the phone number to a predetermined known location wherefrom that phone number originates (e.g., work, home, etc).

With respect to independent claim 1 of the presently claimed invention, Applicant teaches and claims “[a]n electronic appliance implemented method comprising ascertaining a current location/location type of the electronic appliance, identifying an appliance personality from a plurality of available personalities based, at least in part, on the ascertained current location/location type of the electronic appliance, provisioning the identified appliance personality on the electronic appliance but allowing access to all appliance personalities in any location, and selecting and providing a user interface and an application set from a plurality of available user interfaces and application sets to reflect the identified appliance personality.” The presently claimed invention’s appliance personality includes many possible applications associated with that appliance. For example, a Personal Digital Assistant (PDA) would potentially include a word processor, a spreadsheet, an email application, a web browser, calendaring, contact information, games, as well as many other such feature applications associated with a PDA. This

personality is entirely different than Smith's electronic business cards and associated icons.

The electronic appliance in the presently claimed invention ascertains its location, and adjusts its personality based on that location. Adjusting the personality of the electronic appliance refers in part to the functionality and/or the appearance of the device itself. The electronic appliance adapts to its environment by automatically readying access to different applications depending on the location. Thus, for example, depending on the ascertained location, the electronic appliance provides ready access to work files, phone directories, home finances, games, and educational applications. On the other hand, Smith stores electronic business cards within a cellular phone. The electronic business cards have phone numbers associated with them. When the user programs the phone in Smith's disclosed system he/she picks an icon to associate the phone number with a location to visually make it easier to understand the type of phone number (e.g., work, home, fax). Thus, Applicant's presently claimed invention, specifically a location-based electronic appliance personality, has nothing in common with Smith's electronic business card system of phone numbers and their associated icons. Therefore, because Smith does not teach the presently claimed invention, Applicant respectfully submits that Smith does not anticipate claim 1.

Furthermore, claims 3-8 are dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Smith does not anticipate claims 3-8.

In regard to independent claims 10 and 19, the cited reference fails to anticipate Applicant's invention for the same reason as independent claim 1. Again, Smith does not

teach a method that comprises “ascertaining a current location/location type of the electronic appliance, identifying an appliance personality from a plurality of available personalities based, at least in part, on the ascertained current location/location type of the electronic appliance... and selecting and providing a user interface and an application set from a plurality of available user interfaces and application sets to reflect the identified appliance personality.” Thus, Smith does not teach all the elements in each of the claims. Therefore, since all the elements are not met by Smith, Applicant respectfully submits that Smith does not anticipate independent claims 10 and 19.

Furthermore, claims 13-18 are dependent upon independent claim 10. Thus, for at least the same reasons advanced above with respect to independent claim 10, Applicant respectfully submits that Smith does not anticipate claims 13-18.

As such, Smith does not teach or anticipate Applicant’s invention as claimed in pending claims 1, 3-8, 10, and 13-19. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102 rejection of claims 1, 3-8, 10, and 13-19.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 9 and 11 under 35 U.S.C §103(a) as being unpatentable over Smith in view of Murata, hereinafter “Murata” (U.S. Patent No. 6,181,952). For the same reasons set forth above in regard to Smith in view of the response to the 35 U.S.C §102 rejection, Applicant asserts that the cited references do not teach, suggest, or render obvious Applicant’s invention as claimed in pending claims 9 and 11.

Claim 9 is dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Smith and Murata do not render this dependent claim obvious.

Claim 11 is dependent upon independent claim 10. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Smith and Murata do not render this dependent claim obvious.

As such, Smith and Murata do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 9 and 11. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 9 and 11.

If there are any additional charges, please charge Deposit Account No 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Michael J. Mallie at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 8/9/04 [Signature]

Michael J. Mallie
Attorney for Applicant
(Reg. No. 36,591)

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On August 9, 2004
Date of Deposit

Ines Francetic
Name of Person Mailing Correspondence
[Signature] 8/9/04
Signature Date